

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

**DAVID TYLER MOSS AND BRANDON
KEATING,**

§

Plaintiffs,

§

**CIVIL ACTION NO.
3:14-cv-03088- M
(Jury)**

vs.

**MARKO PRINCIP, Individually,
d/b/a VIDEOGAMES YOUTUBE CHANNEL
d/b/a ACHIEVEMENT GUIDE
d/b/a GAME GUIDE, LLC AND BRIAN MARTIN**

§

Defendants.

§

**MOTION TO STRIKE PLAINTIFF BRANDON KEATING'S DESIGNATION OF
HIMSELF AS EXPERT WITNESS**

TO THE HONORABLE JUDGE OF SAID COURT:

Defendants and their attorney of record Robert D. Wilson files this Motion to Strike Defendant's Expert Witness and would respectfully show the Court as follows:

All documents referred to in this matter are previously on file with the Court and will not be filed again to avoid the needless accumulation of the same documents. Defendants and their attorney of record Robert D. Wilson would show the Court the following:

I.

- 1.** On February 16, 2016, Defendant Brandon Keating filed Plaintiff's Designation of Expert Witness designating HIMSELF as an Expert Witness **DOC. 45**

2. **Scheduling Order of the Court dated January 20, 2015. DOC. 13** The Honorable Judge Barbara M.G. Lynn signed the Scheduling Order which in part states “Initial Designation of Experts.....comply with FRCP 26(a)(2) **on or before February 27, 2015.**”
3. Defendant failed to timely designate alleged Expert Witness Brandon Keating pursuant to the Court Scheduling Order and the Federal Rules of Civil Procedure.
4. Defendant has known since **for over a year** the Court’s requirement of timely notice of the Expert Witness and yet failed to comply.
5. Clearly, this late designation is untimely and prejudicial to Defendants as the final jury trial is set for 4 weeks on March 28, 2016. **DOC. 43, 44**

CONCLUSION

For the reasons set out above, Defendant respectfully request this Honorable Court to Strike Defendant’s late designation *of Himself, Brandon Keating* as Expert Witness for the reasons set forth above and grant Defendants and all relief in law and equity in this matter.

Respectfully submitted,

/s/ Robert D. Wilson

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CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of February 2016 in compliance with the Federal Rules of Civil Procedure, I electronically filed the foregoing Defendants Motion to Strike with the Clerk of the Court using the CM/ECF system which will send notification of such filings to the following attorneys who are known to represent the United States of America and the corresponding defendants.

/s/ *Robert D. Wilson*

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Robert D. Wilson, Attorney for Defendants

For Plaintiffs:

Mr. Dan Wyde